

**Notice of Allowability**

Application No.

09/417,845

Applicant(s)

SHIMOJI ET AL.

Examiner

Scott Beliveau

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06 July 2005.
2. ☒ The allowed claim(s) is/are 70-85 (renumbered as 1-16).
3. ☒ The drawings filed on 20 December 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 2005-07-06
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) originally submitted on October 9, 2002 as evidenced by applicant's statement and certificate of mailing is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Examiner's Amendment***

2. Authorization for this examiner's amendment was given in a telephone interview with John Guay on 05 July 2005.
3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 84 has been amended to read:

84. A recording medium [which records] having recorded thereon instructions [a program for allowing] which causes a CPU to perform reception processing; the CPU controlling a receiving portion for receiving transport streams, an operation receiving portion for receiving an operator operation, a transport decoder for selecting at least desired navigation control data and content elements from received transport streams in accordance

Art Unit: 2614

with the operator operation for output, an extending decoder for extending output from the transport decoder, and a recording portion for recording;

said recording medium including instructions [for recording a program] which [allows] causes the CPU to perform processing for determining content elements to be restored next based on the operation received by the operation receiving portion in accordance with the navigation control data, separating the content elements to be restored next out of sets of content elements transmitted repeatedly by means of the transport decoder, and restoring the same for output by extending the same by means of the extending decoder, in the receiving mode; restoring a set of navigation control data and a set of content elements for recording the same in the recording portion in a recording mode; and selecting a content element out of a recorded set of content elements in the reproducing mode, based on the operation received by the operation receiving portion in accordance with the navigation control data recorded in the recording portion[[]],

wherein said [program] instructions determine[[]] whether or not all navigation control data included in sets of navigation data have been recorded, in accordance with a received navigation list in the recording mode.

***Allowable Subject Matter***

4. Claims 70-85 are allowed.
5. The following is an examiner's statement of reasons for allowance:

The examiner concurs with the applicant's arguments (Remarks: Para. 9-11 and 20) Page that the Shimoji et al. (EP 827336) either alone or in combination with Mori et al. (EP

Art Unit: 2614

827340) fails to particularly disclose or teach the particular usage of a content element list (VET\_DII in Figure 16) and navigation list (NVT\_DII Figure 15) are received and that these lists are used for determining whether or not all content elements and all navigation elements have been recorded.

As set forth in the previous rejection, the Shimoji et al. reference does not disclose or suggest the particular determination of whether or not all content elements and all navigation elements were recorded. To this end, the examiner relied upon the Mori et al. reference. While the Mori et al. reference discloses the particular concept of caching navigation and content elements so as to reduce the waiting time of the terminal and ensures that the entire components are stored prior to presentation, it is silent as to how it determines that entire streams and navigation tables have been stored such that it necessarily utilizes the structures of Figures 15 and 16 as argued by applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

Art Unit: 2614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEB  
July 8, 2005

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600